

REMARKS

The title was objected to as not being descriptive. Applicants have amended the title in a manner that is believed to be fully responsive to Examiner's objection.

Claims 18-24 were rejected under 35 U.S.C. 112, first paragraph as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicants respectfully traverse the rejection on the following grounds.

Examiner asserted that the claim element "a comparison circuit coupled to the template database" of claim 18 is not supported in the specification. Applicants respectfully respond that the recited claim element is supported at e.g., Page 17, lines 4-13; Figure 5, particularly element 128; Page 35, lines 14-19. Applicants make no representation that the cited portion of the specification is the sole or most relevant support for claim element or that other and additional support is not also provided in other portions of the specification.

Examiner has also asserted that the claim element "a selector circuit coupled to the comparison circuit" of claim 18 is not supported in the specification. Applicants respectfully respond that the recited claim element is supported at e.g., Page 19, line 15 through Page 20, line 22; Figure 2, particularly element 72; and Page 35, lines 14-19. Applicants make no representation that the cited portion of the specification is the sole or

most relevant support for claim element or that other and additional support is not also provided in other portions of the specification.

Examiner has also asserted that the claim element “an article creator receiving as input the selected template” of claim 18 is not supported in the specification. Applicants respectfully respond that the recited claim element is supported at e.g., Page 30, line 14 through Page 32, line 11; Figure 5, particularly element 152; and Page 35, lines 14-19. Applicants make no representation that the cited portion of the specification is the sole or most relevant support for claim element or that other and additional support is not also provided in other portions of the specification.

Claims 19-25 were rejected because of their dependence from claim 18. In light of Applicants’ above comments, it is respectfully requested that the rejection of claim 18 and of claims 19-25 be withdrawn.

Claims 1-17 and 19-21 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to point out with particularity and distinctly claim the subject matter regarded as the invention. Applicants respectfully traverse the rejection on the following grounds.

Claims 4, 12, and 20 were rejected with Examiner asserting that the term “the most conditions” lacks antecedent basis. Claim 4, which depends from claim 1, recites “means for selecting the candidate [template] having the most conditions.” The term “the

most conditions” finds its antecedent basis in claim 1, which states “a plurality of article templates, each template having associated with it at least one condition.” Because each template has associated with it some indeterminate number of at least one condition, but possibly more than one condition, it is an inherent limitation in claim 1 that one (or more) candidate(s) will have the most conditions. This is an inherent characteristic of any grouping of things in which the things have a varying number of conditions. It is well established that “inherent components of elements recited have antecedent basis in the recitation of the components themselves.” *Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed. Cir. 2001). See also MPEP § 2173.05(e).

Likewise, claim 12 depends from claim 9, which recites “a plurality of conditions associated with a plurality of templates.” This provides an inherent antecedent basis that at least one template will have “the most conditions” associated with it. Likewise, claim 20 depends from claim 18, which recites “each article having one or more conditions associated with it.” As such, the term “the most conditions” has an antecedent basis in the respective base claims from which claims 4, 12, and 20 depend.

Examiner rejected claims 9 and 15 on the basis that term “the descriptive report” lacks antecedent basis. Applicants respectfully respond that the term finds antecedent basis in the preamble of claim 9, which states “A method of automatically generating a descriptive report.” Claim 15, which depends from claim 9, also finds its antecedent basis for the term “the descriptive report” in the preamble of claim 9.

Examiner rejected claim 1 as being uncertain. Examiner objected to the term “at least one condition, asking “what condition was provided by who?”. Applicant respectfully traverses this rejection. As an initial matter, Applicants respectfully submit that the term “condition” is a well-understood term being used in its common and ordinary meaning. Furthermore, the term is fully supported in the specification. As an example, Examiner’s attention is directed to Page 13, lines 8 through 16 and Page 15, line 5 through Page 17, line 2 (although the recited section fully supports the term “condition,” Applicants make no representation that the recited sections of the specification are the only or the most relevant support for the term). In one preferred embodiment, “an exemplary game condition might be that the winning team outscored the losing team by a landslide, such as a ten point difference in a baseball game” (Page 16, lines 2 – 4). Many other exemplary conditions are provided in the above-cited portions of the specification (final score, points per game, tie game, etc.). Applicants respectfully submit that claim 1 is not uncertain simply because it is of broad enough scope to cover any “condition” that meets the common and ordinary meaning of the term and is supported by the specification. Likewise, it is not a necessary constraint on the claim itself as to who provided the “condition.” The claim is met so long as (in addition to the other claim elements), its system includes templates, “each template having associated with it at least one condition.” Because nothing in the claim requires or refers to the source of the condition, Applicants respectfully submit that no identification of the source of the conditions is required.

Examiner also objected to the term “a proficiency rating of the scorekeeper,” asking “what determines the scorekeeper making a proficiency rating?”. Once again, Applicants respectfully traverse this rejection as inquiring into matters that are outside the relevant inquiry of the claim. The terms “proficiency,” “rating,” and “scorekeeper” are being used in the ordinary and common meaning. Support for the phrase is provided at, e.g., Page 28, line 16 through Page 30, line 12 (although the recited section fully supports the term “proficiency rating of the scorekeeper,” Applicants make no representation that the recited sections of the specification are the only or the most relevant support for the term). In a preferred embodiment, for instance, a scorekeeper’s proficiency is determined by the scorekeeper’s experience (Page 28, lines 21 – 23). In another embodiment, the scorekeeper’s proficiency would be determined based upon the number and quality of game events that are recorded for the games by the scorekeeper (Page 28, line 23 through Page 29, line 2). Many other variations and embodiments are within the scope of claim 1 as well.

Claim 2 has been amended to delete the term “may” and to read as follows: The automated system of claim 1 further comprising: an interface which allows an end-user to select a specific event for article generation and by which the finished article is displayed to the end-user. Applicants believe the amendment is fully responsive to Examiner’s 112, second paragraph rejection of claim 2. Applicants note that the amendment to claim 2 is not, and should not be construed as, a limiting amendment. The phraseology “an interface which allows an end-user” is at least as broad in scope as the phraseology “an interface by which an end-user.” The amendment merely shifts the perspective of the

claim element to the interface, rather than from the end-user but does not limit that breadth of the element itself.

Examiner objected to the repeated use of the phrase “the at least one condition” in claim 7, asking “What are these conditions? Do they refer to the same condition or not? What is the link among these conditions and the 'at least one condition' in claim 1?”. Applicants respectfully respond that the term “at least one condition” in claim 1 provides the antecedent basis to the phrase “the at least one condition” as it is used in claim 7. As discussed above, with reference to claim 1, the phrase is used in its ordinary and common meaning and is fully supported in the specification. The phrase is used consistently throughout claim 7, meaning that each time the phrase is used in claim 7, it refers to the same “at least one condition” recited in claim 1. Because the term is used consistently throughout claim 7, and each usage of the term has antecedent basis in claim 1, Applicants respectfully submit that there is no uncertainty regarding the term. Applicants respectfully request withdrawal of the rejection in light of the above comments.

Claim 19 has been amended to remove the phrase “such as” and to put the claim in a more commonly accepted *Markush* grouping type format. Applicants respectfully note that the claim as amended contains no additional or narrowing limitations.

Claims 20 and 21 were rejected on the basis the terms “the most conditions” and “the most heavily weighted conditions,” respectively, with Examiner asking “Do they refer to the same conditions or different conditions?”. Applicants have amended claims

20 and 21 in a manner that is believed to be fully responsive to Examiner's rejection. The objected to terms have been deleted from the claims. Applicants note that the amendment to claims 20 and 21 are not, and should not be construed as, narrowing or limiting the claim scope. In fact, claim 20 is no longer restricted to selection based upon "the most" conditions, but rather more broadly claims selection in response to "the number of" conditions, without restricting the claim to the most conditions, least conditions, etc. Likewise, claim 21 is no longer restricted to "the most heavily weighted" conditions, but more broadly claims "in response to the weighting evaluation" without restricting the claim to the most heavily weighted, least heavily weighted, etc.

With regard to claims 2-7 and 10-17, which were rejected on the basis of their dependence from a rejected base claim, Applicants respectfully submit that the base claims are allowable on the basis of the above remarks and that the dependent claims are allowable as well.

Claims 1-24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Because the rejection is provisional and no claims have issued to date, Applicants respectfully defer response to this rejection until the indication of allowed subject matter. Applicants will file a terminal disclaimer at that time, if appropriate.

Claims 1-3, 5-8, 9-11, 13-17, 18-19, and 21-25 were rejected as being anticipated by U.S. Patent 6,144,375 issued to Jain et al ("Jain"). Applicants respectfully traverse the rejection as follows.

Claim 1 requires "means for generating statistics from the log." Applicants respectfully traverse Examiner's assertion that element 304 of Figure 4 and column 6, lines 1-13 of Jain disclose a means for generating statistics from the log. Capture / filter process 304 of Jain is discussed at, e.g., column 16, lines 29-47; column 16, line 61 through column 17, line 2; column 33 through column 20, line 4. Examiner has not identified and Applicants are unaware of any teaching in Jain that the capture / filter process 304 of Jain "generat[es] statistics from the log" as required by claim 1. In fact, Jain teaches away from this claim limitation because Jain clearly discloses that capture / filter process 304 receives game statistics from an external source (Stat. Crew data stream 346 of Figure 5) rather than generating the statistics (column 19, lines 9 – 24). Because capture / process 304 receives statistical data from Stat. Crew data stream 346, and does not generate statistics from the log, Jain fails to teach or suggest a "means for generating statistics from the log." Furthermore, Applicants find no teaching or suggestion in Jain that Stat. Crew data stream 346 generates statistics from the log either.

Claim 1 also requires "a plurality of article templates, each article template having associated with it at least one condition." Examiner has not pointed out with any particularity or specificity how Jain discloses this element, but has merely stated "Fig(s). 7-9; Event Notification Mechanism and Complex Query Formulation Tool." Applicants

note that the term “template” is used at column 14, line 61, in a section of Jain entitled Complex Query Formulation Tool, but respectfully submit that nothing in that portion of Jain teaches an “article template.” from which a “finished article” is generated, per claim 1. Likewise, column 12, line 48 through column 13, line 33 of Jain (the section with the heading “Event Notification Mechanism”) also fails to disclose an article template. Figure 7 merely illustrates displays generated by the system of Jain. Figure 8 merely illustrates context-based VCR controls and Figure 9 merely illustrates a display of information about a selected object from the display of Figure 7. Examiner has failed to provide even a *prima facie* case as to how these disclosures teach the recited claim element of “a plurality of article templates, each article template having associated with it at least one condition.” In fact, Applicants believe the disclosure provides no such teaching. As such, Applicants respectfully request that Examiner withdraw the rejection or clearly and distinctly identify the basis for Examiner’s assertion that the reference discloses the recited claim element.

Claim 1 also requires a “means for comparing the at least one condition to the statistics and for identifying as candidate templates those templates for which the at least one condition is met by the statistics.” Applicants have carefully reviewed the portions of Jain cited without comment by Examiner (col. 5, line 60 – col. 6, lines 13; 304, Fig. 3; col. 16, lines 31-47; col. 10, lines 48-49) and Applicants find no disclosure in the cited portions of a means for comparing, no disclosure of comparing conditions to statistics, and no disclosure of a means for identifying candidate templates. Furthermore, as discussed above, Applicants are unaware of any teaching in Jain of a plurality of “article

templates.” The portions of Jain cited by Examiner seem to merely suggest that capture / filter process 304 receives and synchronizes various inputs such as video streams, audio streams, statistics streams, and the like. Examiner has failed to identify and Applicants are unaware of any disclosure in Jain of means for comparing a condition to statistics or for identifying candidate templates. Applicants respectfully request that Examiner withdraw the rejection or clearly and distinctly identify the basis for Examiner’s assertion that the reference discloses the recited claim element.

Jain fails to teach or suggest “means for selecting one template from amongst the candidate templates,” Examiner’s citation to col. 6, lines 9-13; 34 of Fig. 3; and col. 6, lines 45-51 notwithstanding. Again, Examiner has failed to establish, and Applicants fail to see how the cited portions of the reference – which appear to disclose simply that capture / process filter 304 receives, synchronizes, and annotates various data streams – can be interpreted as teaching a means for selecting a template from amongst several candidate templates. Applicants note that the “template” referenced in col. 14, line 61 of Jain does not even appear to be utilized by capture / filter process 304.

Finally, claim 1 requires a means for “generating a finished article from the selected template.” As discussed in detail above, Jain fails to teach or suggest the use of article templates and fails to teach or suggest selecting from amongst a plurality of templates. As such, Jain cannot teach generating an article from a selected template. Based upon the above comments, Applicants respectfully submit that Jain fails to teach or remotely suggest the novel combination of recited claim elements of Applicants’ claim 1.

As such, the rejection of claim 1 should be withdrawn. Claims 2-8 are also patentable over Jain for the reasons given above with reference to claim 1, from which they depend, as well as for their own further defining limitations.

Claims 9-11 and 13-17 were rejected without comment by Examiner on the basis that "the steps in the claim method are deemed to be made inherent by the functions of the apparatus structure in the combination discussed above, hence were rejected for the same reasons." In response, Applicants incorporate the above comments with regard to the rejection of claim 1 in stating that the same grounds apply for distinguishing claim 9 over the cited reference, where appropriate.

Furthermore, claim 9 requires a "generating game statistics from the events" recorded in a game log. Jain fails to teach or suggest this limitation. Jain also fails to teach or suggest the recited claim step of comparing the game statistics to a plurality of conditions associated with a plurality of templates and selecting at least one template having conditions that are met by the game statistics." As discussed above, Examiner has failed to identify, and Applicants are unaware of, any teaching in this regard in Jain. Jain fails to teach the selection criteria of "in the event more than one template has conditions that are met by the game statistics, selecting from amongst the more than one templates, a selected template having conditions that are most desirable according to pre-determined criteria." Jain also fails to teach or suggest "inserting game statistics and game events into the selected template to generate the descriptive report." For these reasons, the rejection of claim 9 should be withdrawn. For these reasons alone, as well as for the

reasons give above with reference to claim 1, claim 18 is allowable over the cited reference.

Claims 10-17, which depend from claim 9, are allowable over the cited prior art by virtue of the reasons given above with respect to claim 9 as well as for their own further defining recitations.

Claims 18-19 and 21-25 were rejected on the basis that “these claims recited the similar features as claims 1-3, 5-8, 9-11 and 13-17, hence were rejected for the same reason.” In response, Applicants incorporate the above comments with regard to the rejection of claim 1 in stating that the same grounds apply for distinguishing claim 18 over the cited reference, where appropriate.

Furthermore, claim 18 requires a “statistics generator” coupled to a database. Jain fails to provide any teaching or suggestion of this limitation. Claim 18 also requires a “template database comprised of article templates.” Jain fails to teach or suggest this limitation. Jain also fails to teach or suggest “a comparison circuit coupled to the template database,” or a “selector circuit coupled to the comparison circuit, wherein the selector circuit applies a weighting evaluation to each template having conditions met by the statistics.” Nowhere does Jain teach or suggest an article creator “outputting a report comprising the body of the text with the specific statistics inserted in place of the functions calls.” For these reasons alone, as well as for the reasons given above with reference to claim 1, claim 18 is allowable over the cited reference.

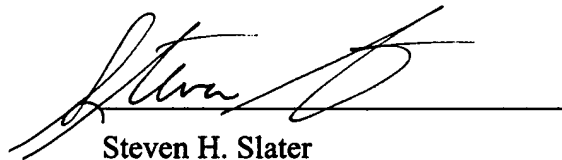
Claims 19-25, which depend from claim 18, are allowable over the cited prior art by virtue of the reasons given above with respect to claim 18 as well as for their own further defining recitations.

Applicants respectfully request that Examiner allow claims 1-13 and 19-25 and pass the present case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below.

Respectfully submitted,

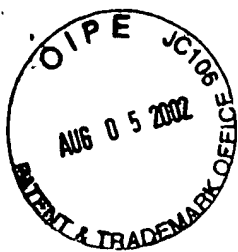
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Date

A handwritten signature in black ink, appearing to read "Steven H. Slater", is written over a horizontal line.

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ATTACHMENT I
MARKED-UP VERSION OF CLAIMS

1. (amended) An automated system for generating an article describing an event comprising:

a log comprised of recorded events;

means for generating statistics from the [game] log;

a plurality of article templates, each article template having associated with it at least one condition;

means for comparing the at least one condition to the statistics and for identifying as candidate article templates those article templates for which the at least one condition is met by the statistics;

means for selecting one article template from amongst the candidate article templates; and

means for generating a finished article from the selected article template and the recorded events.

2. (amended) The automated system of claim 1 further comprising:

an interface [by] which allows an end-user [may] to select a specific event for article generation and by which the finished article is displayed to the end-user. .

5. (amended) The automated system of claim 1 wherein the recorded events are provided by a scorekeeper and further comprising means for eliminating one or more of the plurality of article templates based upon a proficiency rating of the scorekeeper.

19. (amended) The system of claim 18 wherein the statistics comprise numerical calculations selected from the group consisting of [such as] final score and score differential, and non-numerical values selected from the group consisting of [such as] team and player names, and time stamp values.

20. (amended) The system of claim 18 wherein the selector circuit selects the template in response to the number of [having the most] conditions associated with it.

21. (amended) The system of claim 18 wherein the selector circuit selects the template in response to the weighting evaluation applied to each template [having the most heavily weighted conditions associated with it].